

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

IN RE:) Chapter 11
)
EASTERN LIVESTOCK CO., LLC,) Case No. 10-93904-BHL-11
)
Debtor.) Hon. Basil H. Lorch III

**FOURTH INTERIM AND FINAL APPLICATION OF
WIMBERLY LAWSON WRIGHT DAVES & JONES, PLLC FOR COMPENSATION
AND REIMBURSEMENT OF EXPENSES AS SPECIAL COUNSEL
FOR JAMES A. KNAUER, CHAPTER 11 TRUSTEE**

James A. Knauer, the chapter 11 trustee (the “Trustee”) appointed in this case, files this fourth interim and final application (the “Application”) on behalf of Wimberly Lawson Wright Daves & Jones, PLLC (“Wimberly Lawson”) for the allowance and payment of Wimberly Lawson’s fees as special counsel for the Trustee and for reimbursement of out-of-pocket expenses incurred on behalf of the Trustee. In support of Wimberly Lawson’s Application, the Trustee states as follows:

1. Petitioning creditors commenced the above-captioned chapter 11 case (the “Chapter 11 Case”) against debtor on December 6, 2010 by filing an involuntary petition for relief under chapter 11 of title 11 of the United States Code, 11 U.S.C. §§ 101 et seq. This Court entered its *Order For Relief In An Involuntary Case And Order To Complete Filing* [Docket #110] on December 28, 2010.

2. On December 27, 2010, the Court entered its *Order Approving The Appointment Of James A. Knauer As Chapter 11 Trustee* [Docket #102], approving the United States Trustee’s *Notice Of Appointment And Application for Order Approving Appointment of Trustee* [Docket #98] pursuant to 11 U.S.C. § 1104.

3. This Court, by order dated October 11, 2013 [Docket #2388], approved the Trustee's retention of Wimberly Lawson as the Trustee's special counsel.

4. This Application seeks final allowance of the fees and expenses approved by this Court on an interim basis for the time period February 28, 2013 through October 24, 2016 (the "Interim Compensation Period"); final allowance of the fees and expenses charged and incurred by Wimberly Lawson since its last application (the "Current Compensation Period"); and an order directing that all amounts approved by this Court and remaining unpaid or not reimbursed to Wimberly Lawson be paid by the Trustee.

Interim Compensation Period

5. On April 28, 2014, Wimberly Lawson filed its *First Interim Application Of Wimberly Lawson Wright Daves & Jones, PLLC For Compensation And Reimbursement Of Expenses As Special Counsel For James A. Knauer, Chapter 11 Trustee* (the "First Application") [Docket No. 2567], which is incorporated by reference herein, seeking approval and allowance of fees in the amount of \$1,418.00 and reimbursement of expenses in the amount of \$20.98. On May 19, 2014, the Court entered the *Order Granting First Interim Application Of Wimberly Lawson Wright Daves & Jones, PLLC For Compensation And Reimbursement Of Expenses As Special Counsel For James A. Knauer, Chapter 11 Trustee* (the "First Interim Compensation Order") [Docket #2581]. The First Interim Compensation Order authorized the Trustee to pay Wimberly Lawson a total of \$1,438.98, comprised of fees of \$1,418.00 and expenses of \$20.98 for the period of February 28, 2013 through and including April 8, 2014.

6. On October 29, 2014, Wimberly Lawson filed its *Second Interim Application Of Wimberly Lawson Wright Daves & Jones, PLLC For Compensation And Reimbursement Of Expenses As Special Counsel For James A. Knauer, Chapter 11 Trustee* (the

“Second Application”) [Docket No. 2658], which is incorporated by reference herein, seeking approval and allowance of fees in the amount of \$936.00 and reimbursement of expenses in the amount of \$85.11. On December 2, 2014, the Court entered the *Order Granting Second Interim Application Of Wimberly Lawson Wright Daves & Jones, PLLC For Compensation And Reimbursement Of Expenses As Special Counsel For James A. Knauer, Chapter 11 Trustee* (the “Second Interim Compensation Order”) [Docket #2681]. The Second Interim Compensation Order authorized the Trustee to pay Wimberly Lawson a total of \$1,021.11, comprised of fees of \$936.00 and expenses of \$85.11 for the period of April 9, 2014 through and including October 10, 2014.

7. On December 12, 2016, Wimberly Lawson filed its *Third Interim Application Of Wimberly Lawson Wright Daves & Jones, PLLC For Compensation And Reimbursement Of Expenses As Special Counsel For James A. Knauer, Chapter 11 Trustee* (the “Third Application”) [Docket No. 2959], which is incorporated by reference herein, seeking approval and allowance of fees in the amount of \$4,546.67. On January 23, 2017, the Court entered the *Order Granting Third Interim Application Of Wimberly Lawson Wright Daves & Jones, PLLC For Compensation And Reimbursement Of Expenses As Special Counsel For James A. Knauer, Chapter 11 Trustee* (the “Third Interim Compensation Order”) [Docket #2968]. The Third Interim Compensation Order authorized the Trustee to pay Wimberly Lawson a total of \$4,546.67 in fees for the period of September 24, 2015 through and including October 24, 2016.

Current Compensation Period

8. In the course of its representation of the Trustee, Wimberly Lawson has performed a variety of services in a collection suit in Circuit Court for Hamblen County, Tennessee, all of which are described in detail in the billing statements attached as Exhibit A.

9. Exhibit A provides the detail of the time entries for each Wimberly Lawson attorney or paralegal that has performed services in this case during the Current Compensation Period. A summary of the fees requested by Wimberly Lawson for each attorney, the billing rate requested and the total fees claimed is set forth below.

Attorney	Hours	Hourly Rate	Total
Mary Moffatt Helms	23.9	\$180.00	\$4,302.00

10. Wimberly Lawson has advanced the sum of \$42.29 for out-of-pocket expenses incurred in connection with this case on behalf of the Trustee during the Current Compensation Period. A summary of the out-of-pocket expenses incurred by Wimberly Lawson is set forth in Exhibit B.

11. Wimberly Lawson requests final allowance of compensation for attorneys' fees and reimbursement of expenses for the Interim Compensation Period as follows:

<u>Application</u>	<u>Attorneys' Fees</u>	<u>Expenses</u>
First Interim Application	\$1,418.00	\$20.98
Second Interim Application	\$936.00	\$85.11
Third Interim Application	\$4,546.67	\$0.00

12. Wimberly Lawson requests final allowance of compensation for attorneys' fees and reimbursement of expenses for the Current Compensation Period as follows:

<u>Application</u>	<u>Attorneys' Fees</u>	<u>Expenses</u>
Fourth Interim/Final Application	\$4,302.00	\$42.29

13. Upon approval of this Application of Wimberly Lawson's fees and expenses on a final basis, Wimberly Lawson requests that the Court authorize and order the Trustee to pay all approved amounts.

14. Other than the payments described above, no payments have been made or promised to Wimberly Lawson for services rendered or to be rendered in any capacity in connection with this case for the services provided to the Trustee and described in this Application.

15. No agreement or understanding exists between Wimberly Lawson and any other person or entity for the sharing of compensation received for services rendered in connection with this case.

16. All services rendered and all expenses incurred for which compensation or reimbursement is sought have been rendered or incurred exclusively on behalf of the Trustee and represent necessary and proper legal services in the administration of this Chapter 11 Case.

WHEREFORE, Wimberly Lawson requests that the Court enter an order:

- a) granting final allowance and award of fees of \$6,900.67 for compensation of professional services to the Trustee during the period February 28, 2013 through October 24, 2016, which compensation was previously awarded to Wimberly Lawson on an interim basis pursuant to orders of this Court;
- b) granting final allowance and award of \$106.09 for compensation of out-of-pocket expenses incurred in connection with the rendering of professional services by Wimberly Lawson during the period February 28, 2013 through October 24, 2016, which expenses were previously awarded to Wimberly Lawson on an interim basis pursuant to orders of this Court;
- c) granting final allowance and award of fees and out-of-pocket expenses incurred for the Current Compensation Period in the amounts of \$4,302.00 and \$42.29, respectively;
- d) authorizing and directing the Trustee to pay the approved fees and expenses of Wimberly Lawson to the extent the Trustee has not paid; and

e) granting to Wimberly Lawson all other just and proper relief.

Respectfully submitted,

KROGER, GARDIS & REGAS, LLP

By: /s/ James A. Knauer

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*Chapter 11 Trustee on behalf of Special Counsel,
Wimberly Lawson Wright Daves & Jones, PLLC*

CERTIFICATE OF SERVICE

I hereby certify that on August 8, 2017, a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System. Parties may access this filing through the Court's system.

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